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| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(use as many sheets as necessary) |   |      |    | <b>Complete if Known</b> |                    |
|   |   |      |    | Application Number       | 09/963,340         |
|   |   |      |    | Filing Date              | September 24, 2001 |
|   |   |      |    | First Named Inventor     | Conkling et al.    |
|   |   |      |    | Group Art Unit           | 1638               |
|   |   |      |    | Examiner Name            | R. Kallis          |
| Sheet   | 1 | of 3 | A1 | Attorney Docket Number   | 5051-338CT         |

| U.S. PATENTS AND PATENT PUBLICATIONS |          |                      |                         |  |  |
|--------------------------------------|----------|----------------------|-------------------------|--|--|
| Examiner<br>Initials*                | Cite No. | U.S. Patent Document |                         | Name of Patentee or Applicant of Cited<br>Document | Date of Publication of Cited<br>Document<br>MM-DD-YYYY |
|                                      |          | Number               | Kind Code<br>(if known) |  |  |
| /RK/                                 | 1.       | US-2,479,526         |                         | Touton   | 08/1949  |
|                                      | 2.       | US-254,285           |                         | Forest   | 02/28/1882   |
|                                      | 3.       | US-2,728,603         |                         | Helijo   | 08/1955  |
|                                      | 4.       | US-299,541           |                         | Hearn  | 06/13/1884   |
|                                      | 5.       | US-3,840,025         |                         | Fowler et al.                                      | 10/08/1974   |
|                                      | 6.       | US-3,905,123         |                         | Fowler et al.                                      | 09/16/1975   |
|                                      | 7.       | US-4,094,324         |                         | Bolsinger et al.                                   | 06/13/1978   |
|                                      | 8.       | US-4,192,323         |                         | Horne  | 03/11/1980   |
|                                      | 9.       | US-4,243,056         |                         | de la Burde et al.                                 | 01/06/1981   |
|                                      | 10.      | US-4,319,587         |                         | Moser  | 03/16/1982   |
|                                      | 11.      | US-4,372,208         |                         | Legardinier  | 02/08/1983   |
|                                      | 12.      | US-4,459,355         |                         | Cello et al.                                       | 07/10/1984   |
|                                      | 13.      | US-4,499,911         |                         | Johnson  | 02/19/1985   |
|                                      | 14.      | US-4,617,945         |                         | Vos et al.   | 10/21/1986   |
|                                      | 15.      | US 4,699,158         |                         | Sprinkel   | 10/13/1987   |
|                                      | 16.      | US 4,700,725         |                         | Geiszler   | 10/20/1987   |
|                                      | 17.      | US-4,766,911         |                         | Oglesby  | 08/30/1988   |
|                                      | 18.      | US-4,795,855         |                         | Fillatti et al.                                    | 01/03/1989   |
|                                      | 19.      | US-4,821,747         |                         | Stuhl et al.                                       | 04/1989  |
|                                      | 20.      | US-4,835,162         |                         | Abood  | 05/30/1989   |
|                                      | 21.      | US-4,966,916         |                         | Abood  | 10/30/1990   |
|                                      | 22.      | US-4,990,607         |                         | Katagiri et al.                                    | 02/05/1991   |
|                                      | 23.      | US-5,015,580         |                         | Christou et al.                                    | 05/14/1991   |
|                                      | 24.      | US-5,023,179         |                         | Lam et al.   | 06/11/1991   |
|                                      | 25.      | US-5,062,434         |                         | Aulbach et al.                                     | 11/05/1991   |
|                                      | 26.      | US-5,109,876         |                         | Hayden et al.                                      | 05/05/1992   |
|                                      | 27.      | US-5,223,419         |                         | Katagiri et al.                                    | 06/29/1993   |
|                                      | 28.      | US-5,268,463         |                         | Jefferson  | 12/07/1993   |
|                                      | 29.      | US-5,377,697         |                         | Deutsch et al.                                     | 01/03/1995   |
|                                      | 30.      | US-5,394,894         |                         | Zade   | 03/07/1995   |
|                                      | 31.      | US 5,432,081         |                         | Jefferson  | 11/07/1995   |
|                                      | 32.      | US-5,540,242         |                         | Chao et al.  | 07/30/1996   |
|                                      | 33.      | US-5,599,670         |                         | Jefferson  | 02/04/1997   |
|                                      | 34.      | US-5,626,152         |                         | Davis et al.                                       | 05/06/1997   |
|                                      | 35.      | US-5,685,710         |                         | Martinez Sagrera et al.                            | 11/11/1997   |
|                                      | 36.      | US-5,780,051         |                         | Eswara et al.                                      | 07/14/1998   |
|                                      | 37.      | US-5,792,922         |                         | Moloney  | 08/11/1998   |
|                                      | 38.      | US-5,796,500         |                         | Hart   | 08/18/1998   |
|                                      | 39.      | US-5,803,081         |                         | O'Donnell et al.                                   | 09/1998  |
|                                      | 40.      | US-5,810,020         |                         | Northway et al.                                    | 09/1998  |
|                                      | 41.      | US5,819,751          |                         | Barnes et al.                                      | 10/13/1998   |
|                                      | 42.      | US-5,830,318         |                         | Snow et al.  | 11/03/1998   |
|                                      | 43.      | US-5,845,647         |                         | O'Donnell  | 12/1998  |
|                                      | 44.      | US-5,862,750         |                         | Dell'Olmo  | 01/26/1999   |
|                                      | 45.      | US-6,020,969         |                         | Struckhoff et al.                                  | 02/01/2000   |
|                                      | 46.      | US-6,135,121         |                         | Williams   | 10/2000  |
| /RK/                                 | 47.      | US-6,153,811         |                         | Lowe et al.  | 11/2000  |
| Examiner Signature                   |          | /Russell Kallis/     |                         | Date Considered                                    | 10/18/2007   |

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|      |     |                |  |                 |            |
|------|-----|----------------|--|-----------------|------------|
| /RK/ | 48. | US-6,166,032   |  | Viner           | 12/26/2000 |
|      | 49. | US-6,191,258   |  | Lamb et al.     | 02/20/2001 |
|      | 50. | US-6,197,827   |  | Cary            | 03/06/2001 |
|      | 51. | US-6,202,649   |  | Williams        | 10/2000    |
|      | 52. | US-6,265,638   |  | Bidney et al.   | 07/2001    |
|      | 53. | US-6,279,475   |  | Cardoso         | 08/28/2001 |
|      | 54. | US-6,303,847   |  | Kawaoka et al.  | 10/2001    |
|      | 55. | US-6,425,401   |  | Williams        | 07/2002    |
|      | 56. | RE 38,123      |  | Williams        | 05/2003    |
|      | 57. | US-6,350,479   |  | Williams et al. | 02/2002    |
|      | 58. | US-6,557,560   |  | Kastner         | 05/06/2003 |
|      | 59. | US-6,584,981   |  | Hampl, Jr.      | 07/01/2003 |
|      | 60. | US2002/0174874 |  | Williams        | 11/2002    |
| /RK/ | 61. | US2006/057723  |  | Conkling et al. | 03/16/2006 |

| FOREIGN PATENT DOCUMENTS |          |                         |              |                         |   |   |
|--------------------------|----------|-------------------------|--------------|-------------------------|---|---|
| Examiner Initials*       | Cite No. | Foreign Patent Document |              |                         | Name of Patentee or Applicant of Cited Document                                 | Date of Publication of Cited Document<br>MM-DD-YYYY |
|                          |          | Office                  | Number       | Kind Code<br>(if known) |   |   |
| /RK/                     | 62.      | WO                      | 98/56932     |                         | Shell International Research<br>Maatschappij B.V.                               | 12/17/1998  |
|                          | 63.      | WO                      | 99/13085     |                         | Cambia Biosystems LLC   | 03/18/1999  |
|                          | 64.      | WO                      | 00/055333    |                         | Center for the Application of Molecular<br>Biology to International Agriculture | 09/21/2000  |
|                          | 65.      | WO                      | 02/100199    |                         | Vector Tobacco Ltd.   | 12/19/2002  |
|                          | 66.      | WO                      | 02/018607    |                         | North Carolina State University   | 03/07/2002  |
|                          | 67.      | WO                      | 05/018307    |                         | 22 <sup>nd</sup> Century Limited, LLC   | 03/03/2005  |
|                          | 68.      | DE                      | 1,917,552    |                         | R.J. Reynold Tobacco Company  | 4/1/1969  |
|                          | 69.      | DE                      | 2,203,105    |                         | Reynolds Leasing Corp.  | 01/20/1972  |
|                          | 70.      | EP                      | 176,112      |                         | Hoekema et al.  | 04/02/1986  |
|                          | 71.      | EP                      | 0 120 516 B1 |                         | Rijksuniversiteit Leiden  | 10/03/1984  |
|                          | 72.      | EP                      | 0 131 623 B2 |                         | Monsanto Company  | 01/23/1985  |
|                          | 73.      | EP                      | 0 140 308 B2 |                         | The Research Foundation of State<br>University of New York                      | 05/08/1985  |
| /RK/                     | 74.      | EP                      | 0 290 799    |                         | Max-Planck-Gesellschaft zur<br>Forderung der Wissenschaften e.V.                | 11/17/1988  |

| OTHER NON PATENT LITERATURE DOCUMENTS |          |  |   |
|---------------------------------------|----------|--|---|
| Examiner Initials*                    | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published   | T |
| /RK/                                  | 75.      | Brunnemann et al. "Assessment of Carcinogenic Volatile N-Nitrosamines in Tobacco and in<br>Mainstream and Sidestream Smoke from Cigarettes" <i>Cancer Research</i> 37:3218-3222 (1977)   |   |
|                                       | 76.      | Brunnemann et al. "Recent Advances in Tobacco Science: Analytical Studies on N-Nitrosamines in<br>Tobacco and Tobacco Smoke" Proceedings of a Symposium Presented at the 45 <sup>th</sup> Meeting of the<br>Tobacco Chemists' Research Conference, vol. 17, Oct. 20, 1991, Oct. 23, 1991, The Grove Park Inn,<br>Asheville, North Carolina |   |
|                                       | 77.      | Burton et al. "Burley Tobacco-The Effects of Harvesting and Curing Procedures on the Composition of<br>the Cured Leaf" <i>Tobacco Science</i> 5:49-53 (1988)   |   |
| /RK/                                  | 78.      | Chamberlain et al. "Curing Effects on Contents of Tobacco Specific Nitrosamines in Bright and Burley<br>Tobaccos" USDA, ARS, pp. 1-41 (1986)   |   |

|                    |                  |                 |            |
|--------------------|------------------|-----------------|------------|
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| Sheet   | 2         | of 3 | A1 | Attorney Docket Number   | 5051-338CT         |

|      |     |   |  |
|------|-----|---|--|
| /RK/ | 79. | Chang et al. "Gene Expression from Both Intronless and Intron-Containing Rous Sarcoma Virus Clones is Specifically Inhibited by Anti-Sense RNA" <i>Molecular and Cellular Biology</i> 5(9):2341-2348 (1985) |  |
| /RK/ | 80. | Collins et al. "Use of Anther-Derived Haploids in <i>Nicotiana</i> . I. Isolation of Breeding Lines Differing in Total Alkaloid Content" <i>Crop Sci.</i> 14:77-80 (1974)                                   |  |
|      | 81. | <del>Copy of International Search Report for International Application No. PCT/US04/20053 dated November 4, 2005</del>  |  |
| /RK/ | 82. | De Block et al. "Expression of Foreign Genes in Regenerated Plants and in Their Progeny" <i>EMBO Journal</i> 3(8):1681-1689 (1984)  |  |
| /RK/ | 83. | Feth et al. "Determination of Putrescine N-methyltransferase By High Performance Liquid Chromatography" <i>Phytochemistry</i> 24(5): 921-923 (1985)   |  |
| /RK/ | 84. | Higo et al. "Plant cis-acting regulatory DNA elements (PLACE) database: 1999" <i>Nucleic Acids Research</i> 27:297-300 (1999)   |  |
| /RK/ | 85. | Lagrimini et al. "Peroxidase-Induced Wilting in Transgenic Tobacco Plants" <i>The Plant Cell</i> 2:7-18 (1990)  |  |
| /RK/ | 86. | Leete et al. "Biosynthesis and Metabolism of the Tobacco Alkaloids" in <i>Alkaloids: Chemical and Biological Perspectives</i> , S.W. Pelletier, ed. John Wiley & Sons, pp. 85-152 (1983)                    |  |
| /RK/ | 87. | Legg et al. "Inheritance of Per Cent Total Alkaloids in <i>Nicotiana Tabacum</i> L. II Genetic Effects of Two Loci in Burley 21 X LA Burley 21 Populations" <i>Can J Genet Cytol.</i> 13:287-91 (1971)      |  |
| /RK/ | 88. | Mizusaki et al. "Phytochemical Studies on Tobacco Alkaloids XIV. The Occurrence and Properties of Putrescine N-methyltransferase in Tobacco Roots" <i>Plant &amp; Cell Physiology</i> 12:633-640 (1971)     |  |
| /RK/ | 89. | Napoli et al. "Introduction of a Chimeric Chalcone Synthase Gene into Petunia Results in Reversible Co-Suppression of Homologous Genes in trans" <i>The Plant Cell</i> 2:279-289 (1990)                     |  |
| /RK/ | 90. | Preiss et al. "Molecular genetics of <i>Kruppel</i> , a gene required for segmentation of the <i>Drosophila</i> embryo" <i>Nature</i> 313:27-32 (1985)  |  |
| /RK/ | 91. | Rombauts et al. "PlantCARE, a plant cis-acting regulatory element database" <i>Nucleic Acids Research</i> 27:295-296 (1999)   |  |
| /RK/ | 92. | Schroth et al. "Tobacco-Specific Nitrosamines," Research and Development, Neuchatel-Quarterly Report, pp. 1-8, April-June 1994  |  |
| /RK/ | 93. | Shillito et al. "Direct Gene Transfer to Protoplasts of Dicotyledonous and Monocotyledonous Plants by a Number of Methods, Including Electroporation" <i>Methods Enzymol.</i> 153:313-36 (1987)             |  |
| /RK/ | 94. | Watson "Nicotine free flavorful too" in The Buffalo News, A9 and A15, September 7, 1997 (newspaper article)   |  |
| /RK/ | 95. | Wu et al. "The Arabidopsis 14-3-3 Multigene Family" <i>Plant Physiol.</i> 114:1421-1431 (1997)  |  |

|                    |                  |                 |            |
|--------------------|------------------|-----------------|------------|
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